

the control period in the year prior to the year of the control period for which the NO<sub>x</sub> allocations are being calculated.

(2) The permitting authority will allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> Budget opt-in source in an amount equaling the heat input (in mmBtu) determined under paragraph (b)(1) of this section multiplied by the lesser of:

(i) The NO<sub>x</sub> Budget opt-in source's baseline NO<sub>x</sub> emissions rate (in lb/mmBtu) determined pursuant to §96.84(c); or

(ii) The most stringent State or Federal NO<sub>x</sub> emissions limitation applicable to the NO<sub>x</sub> Budget opt-in source during the control period.

#### **Subpart J—Mobile and Area Sources [Reserved]**

### **PART 97—FEDERAL NO<sub>x</sub> BUDGET TRADING PROGRAM**

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## Environmental Protection Agency

## § 97.2

APPENDIX A TO PART 97—FINAL SECTION 126  
RULE: EGU ALLOCATIONS, 2003–2007

APPENDIX B TO PART 97—FINAL SECTION 126  
RULE: NON-EGU ALLOCATIONS, 2003–2007

APPENDIX C TO PART 97—FINAL SECTION 126  
RULE: TRADING BUDGET, 2003–2007

APPENDIX D TO PART 97—FINAL SECTION 126  
RULE: STATE COMPLIANCE SUPPLEMENT  
POOLS FOR THE SECTION 126 FINAL RULE  
(TONS)

AUTHORITY: 42 U.S.C. 7401, 7403, 7426, and  
7601.

SOURCE: 65 FR 2727, Jan. 18, 2000, unless  
otherwise noted.

### Subpart A—NO<sub>x</sub> Budget Trading Program General Provisions

#### § 97.1 Purpose.

This part establishes general provisions and the applicability, permitting, allowance, excess emissions, monitoring, and opt-in provisions for the federal NO<sub>x</sub> Budget Trading Program, under section 126 of the CAA and § 52.34 of this chapter, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

#### § 97.2 Definitions.

The terms used in this part shall have the meanings set forth in this section as follows:

*Account number* means the identification number given by the Administrator to each NO<sub>x</sub> Allowance Tracking System account.

*Acid Rain emissions limitation* means, as defined in § 72.2 of this chapter, a limitation on emissions of sulfur dioxide or nitrogen oxides under the Acid Rain Program under title IV of the Clean Air Act.

*Administrator* means the Administrator of the United States Environmental Protection Agency or the Administrator's duly authorized representative.

*Allocate or allocation* means, with regard to NO<sub>x</sub> allowances, the determination by the Administrator of the number of NO<sub>x</sub> allowances to be initially credited to a NO<sub>x</sub> Budget unit or an allocation set-aside.

*Automated data acquisition and handling system or DAHS* means that component of the CEMS, or other emissions monitoring system approved for

use under subpart H of this part, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by subpart H of this part.

*Boiler* means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

*Clean Air Act* means the Clean Air Act, 42 U.S.C. 7401 et seq.

*Combined cycle system* means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

*Combustion turbine* means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

*Commence commercial operation* means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Except as provided in § 97.4(b), § 97.5, or subpart I of this part, for a unit that is a NO<sub>x</sub> Budget unit under § 97.4(a) on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or re-powered. Except as provided in § 97.4(b), § 97.5, or subpart I of this part, for a unit that is not a NO<sub>x</sub> Budget unit under § 97.4(a) on the date the unit commences commercial operation, the date the unit becomes a NO<sub>x</sub> Budget unit under § 97.4(a) shall be the unit's date of commencement of commercial operation.

*Commence operation* means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber. Except as provided in § 97.4(b), § 97.5, or subpart I of this part